

TEXAS TRANSPORTATION COMMISSION

CALDWELL County

MINUTE ORDER

Page 1 of 1

AUSTIN District

In CALDWELL COUNTY (county), on FARM TO MARKET ROAD 1386, the State of Texas (state) acquired certain land needed for highway purposes by instruments described in Exhibit A and the state used certain land for highway purposes described in Exhibit B for which there is no record title.

The land (surplus land), described in Exhibits A and B, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of the surplus land has been determined to be \$291,785, and the state's costs for maintenance, resurfacing, and bridge rail reconstruction over the next twelve years is estimated to be \$1,115,074.

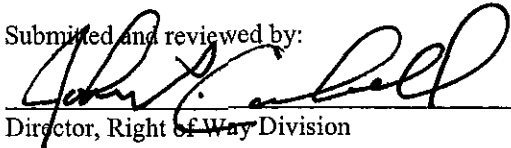
The county has requested that the surplus land be transferred to the county in consideration of the saving to the state of future maintenance costs, since the future maintenance costs exceed the value of the surplus land by \$823,289.

The commission finds \$291,875 to be a fair and reasonable value of the state's rights, title and interest in the surplus land and recommends that the state transfer the surplus land to the county.

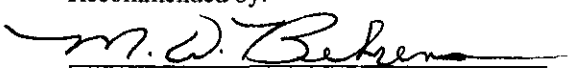
NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument transferring all of the state's rights, title and interest in the surplus land to Caldwell County in consideration of the saving to the state of future maintenance costs; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

FURTHER, IT IS ORDERED by the commission that FARM TO MARKET ROAD 1386 is removed from the state highway system from FM 1322 to its east terminus, a distance of approximately 7.4 miles, and returned to the county for control, jurisdiction and maintenance.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

110032 MAR 31 05

Minute
Number

Date
Passed

EXHIBIT A

Being all those certain tracts or parcels of land situated in Caldwell County, Texas, and being conveyed to the State of Texas by instruments recorded in Volume 280, Pages 413 and 415; Volume 281, Pages 28, 29, 31, 32, 34, 35, 37, 38, 40, 42, 43, 45, 46, 47, 48, 50, 52, 54, 55, 56, 58, 59, 61, 63, 65, 66, 68, 70, 71, 74, 75, and 498; and Volume 354, Page 390, Deed Records of Caldwell County, Texas.

EXHIBIT B

Being all those certain tracts or parcels of land along Farm to Market Road 1386 situated in Caldwell County, Texas, for which there is no record title into the State of Texas, and being located between Engineer's centerline station numbers 255+78 and 292+61 and Engineer's centerline station numbers 364+54 and 382+12 as shown on the map kept in the office of the Right of Way Section of the Austin District, Texas Department of Transportation, under Control 2478-1-1.

Caldwell County

Remove FM 1386 from the state highway system and return to Caldwell County for control, jurisdiction, and maintenance.

